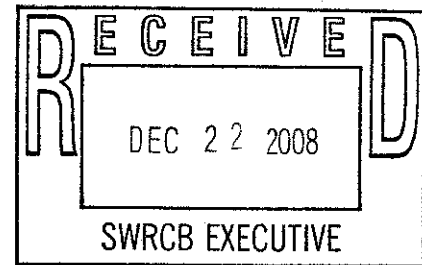




December 22, 2008

Ms. Jeanine Townsend
Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100



Dear Ms. Townsend:

Subject: Comment Letter-Proposed Recycled Water Policy

The City of Los Angeles (City) is pleased to support the adoption of the proposed Recycled Water Policy (Policy) and is encouraged by the State Water Resources Control Board's (State Board) recognition that recycled water is a valuable resource and a key component of the State's future water supply. This Policy will facilitate the City's recycled water use goal of at least 50,000 acre-feet of recycled water by 2019.

The City appreciates the stakeholder process used by the State Board to develop a statewide policy that streamlines the permitting process. The Policy's streamlined permitting provisions will promote the use of recycled water while protecting public health and the environment.

The City specifically supports the Policy's implementation of regional, sub-regional or basin-specific, stakeholder developed, Salt/Nutrient Management Plans (SNMP). This will result in the development of SNMPs that will protect local groundwater quality and promote the use of recycled water.

The City also supports the eligibility criteria for streamlined permitting set forth in the Policy. The inclusion of Title 22 Water Reclamation Criteria as the basis for establishing eligible recycled water uses further clarifies the intent of the policy.

The City appreciates the opportunity to submit additional clarifying comments to the State Board on the revised Policy and has the following suggestions:



(1) INCIDENTAL RUNOFF - (Page 8, Section 7a, Lines 281-300)

The City agrees that the implementation of Best Management Practices (BMPs) in the design and operation of recycled water projects will result in minimizing incidental runoff. The City also agrees with the State Board that the potential for runoff from any landscape irrigation project is possible and that these incidental occurrences should continue to be regulated through existing mechanisms (i.e.: MS4 Permits).

However, the City believes that the new language regarding incidental runoff may be overly prescriptive for a Policy, and that conditions regarding practices that are appropriate for a particular site should be left to the permitting process. Because of the prominence given to this issue in the proposed policy, we also believe it is important to state in the Policy that incidental amounts of runoff of highly treated recycled water do not pose a significant threat to water quality.

The City proposes that the language be revised as follows:

"7a. Control of incidental runoff. Incidental runoff is defined as unintended small amounts (volume) of runoff from recycled water use areas, such as unintended, minimal over-spray from sprinklers that escapes the recycled water use area. Water leaving a recycled water use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Incidental runoff of highly treated recycled water that meets Title 22 requirements does not present a significant threat to water quality. Incidental runoff may be regulated by waste discharge requirements or, where necessary, waste discharge requirements that serve as a National Pollutant Discharge Elimination System (NPDES) permit, including municipal separate storm water system permits, but regardless of the regulatory instrument, ~~the project shall include, but is not limited to, the following practices: water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22. Such plans shall include provisions to address leak detection, proper design and aim of sprinkler heads, proper practices during precipitation events, and management of storage ponds.~~

- ~~(1) — Implementation of operations and management plan that provides for detection of leaks, (for example, from broken sprinkler heads), and correction either within 72 hours of learning of the runoff, or prior to the release of 1,000 gallons;~~
- ~~(2) — Proper design and aim of sprinkler heads;~~
- ~~(3) — Refraining from application during precipitation events~~
- ~~(4) — Management of any ponds such that no discharge occurs unless the discharge is a result of a 25-year, 24 hour storm event or greater, and there is prior approval for the discharge by the appropriate Executive Officer."~~

(2) STREAMLINED PERMITTING

Application Completeness - (Page 9, Section 7b(3), Lines 313-320)

In order to facilitate the streamlined permitting goals of the Policy, the City suggests adding language in Section 7b(3) that specifies a time limit in which a Regional Board would have to reply to the applicant as to whether an application is deemed complete. For example, "A Regional Board will have 30 days, from the time the application is submitted, to notify the applicant if an application is incomplete and what additional information is required to complete the application".

Operations and Maintenance Plans - (Page 9, Section 7c(2), Lines 343-350)

Section 7c(2) of the Policy appears to require that each irrigation project would be subject to an Operations and Maintenance Plan (O&M). As many similar recycled water projects would be conducted over the same "region" and subject to the same conditions, the City believes that requiring each project to have its own O&M plan would be a duplication of effort. The City suggests that this section of the Policy should be clarified to allow multiple projects to be conducted under one O&M plan within a specific region.

(3) EMERGING CONSTITUENTS and CHEMICALS of EMERGING CONCERN - (Page 9, Section 7b(4), Lines 329-332)

The City recognizes the issue of Emerging Constituents and Chemicals of Emerging Concern (CECs) and appreciates the language in the Policy creating a "Blue Ribbon" advisory panel, as described in Section 10b of the Policy, to guide the Policy. This panel will provide the mechanism for a statewide management of CEC's. As written, the Policy could be interpreted to preclude the recommendations of the California Department of Public Health (CDPH) and the blue ribbon advisory panel regarding CECs. The City suggests the following clarifying revision to Lines 329-332:

"Landscape irrigation projects shall include, in addition to any other appropriate effluent monitoring requirements, effluent monitoring for CECs, as recommended by CDPH and the blue ribbon advisory panel, ~~on an annual basis and priority pollutants on a twice annual basis~~ once per year and for priority pollutants twice per year.

(4) ANTI-DEGRADATION GROUNDWATER RECHARGE - (Page 11, Section 8c(1), Lines 413-419)

The proposed Policy language states that the assimilative capacity of a groundwater basin shall be calculated using the most recent five years of data available. The City believes that the inclusion of more historical data will provide a better "picture" of what is occurring in the

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
December 22, 2008
Page 4

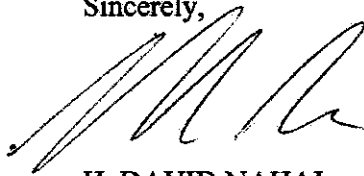
groundwater basin by allowing for the tracking of long range water quality trends. Therefore, the City suggests the following clarification to Lines 413 through 419.

"For compliance with this subparagraph, the available assimilative capacity shall be calculated by comparing the mineral water quality objective with the average concentration of the basin / sub-basin over at least the most recent five years of data available. In determining whether the available assimilative capacity will be exceeded by the project or projects, the Regional Water Board shall calculate the impacts of the project or projects over at least a ten year time frame."

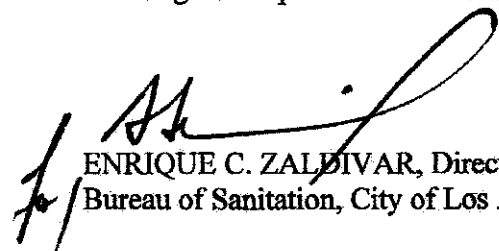
Again, the City of Los Angeles appreciates the opportunity to participate as a stakeholder in the development of the Recycled Water Policy and supports the adoption of the Proposed Policy. As a supplier of water to four million people, the City believes that the adoption of this Policy, with the clarifications noted above, is essential to advancing the use of recycled water in California. The use of recycled water has enormous environmental and economic benefits for all communities and has proven to be a safe and sound practice, which enhances natural resources, and helps save and secure a precious and scarce water supply.

If you have any questions regarding this comment letter, please contact Katherine Rubin, Manager of Waste Water Quality & Compliance, Los Angeles Department of Water & Power at (213) 367-0436 or Gus Dembegiotes, Regulatory Affairs Division, Bureau of Sanitation at (310) 648-5493.

Sincerely,



H. DAVID NAHAI
Chief Executive Officer and General Manager
Los Angeles Department of Water & Power



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation, City of Los Angeles

cc: Tam M. Deduce, State Water Resources Control Board (State Board)
Gary Wolff, State Board
Fran Spivey-Weber, State Board
Dominic Gregorio, State Board
Tracy Egoscue, California Regional Water Quality Control Board-LA Region